

THREE-MILE AREA POLICY AGREEMENT

THIS AGREEMENT is entered into by and between Meade County, South Dakota, a local government in the state of South Dakota [hereinafter referred to as COUNTY], and the City of Sturgis, South Dakota, a municipality incorporated under the laws of the State of South Dakota [hereinafter referred to as CITY].

WHEREAS, the Meade County Board of Commissioners supports the preparation and adoption of development plans and agreements between the County and the City regarding the municipality and its environs; and

WHEREAS, the City of Sturgis Comprehensive Plan outlines the extent of urban development expected in the future and projects annexation of extraterritorial areas; and

WHEREAS, it is in the best interests of the County and the City to establish policies for the orderly growth and development within the three (3) mile extraterritorial jurisdiction of the City within Meade County; and

WHEREAS, Meade County and the City of Sturgis mutually agree that such policies are necessary in order to more effectively and economically provide services for future growth and development.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follow:

1. PURPOSE: The purposes of this Agreement are as follows:

To provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, whenever possible, land boundary disputes or real estate title problems; to provide for a balance between land use rights of individual landowners and the economic, social, and environmental concerns of the public when the City or County is developing or enforcing land use regulations; to provide for uniform procedures and standards for the platting of land while allowing the widest possible latitude for the City and the County to establish and enforce ordinances regulating the division and use of land; to encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions consistent with approved community plans.

To provide for the orderly and effective development patterns in those areas of the County within the three (3) mile extraterritorial jurisdiction of the City as shown in Exhibit A.

To define how services will be provided for such development at the least cost to all of the citizens of the County.

2. DEVELOPMENT AREAS: There shall be under this Agreement two Development areas known as Area #1 and Area #2. The development type, policies and implementation regulations applicable to each area shall be as set forth below. It is anticipated by the County and the City that upon annexation by the City of any portion of Area #1 or Area #2, the attached Exhibit A will be updated to reflect a change in the description of the Areas.

AREA #1.

Development type:

Development served by municipal utilities in the future that are constructed to City subdivision and design standards.

Policy:

Primary Land Use: Residential

Secondary Land Uses: Commercial and Industrial services

Sewer: City Subdivision and Design Standards

Water: City Subdivision and Design Standards

Streets: City Subdivision and Design Standards

Public Road to Subdivision: Asphalt

Building Code and building and septic permits and inspections: County

Design Standards: City.

Subdivision Standards: City.

Plat Reviewed by: City with County Review for comments

Implementation:

- City subdivision regulations and design standards shall be applied to regulate development.
- The City shall provide the County with the opportunity to comment on all requests for conformance with the policies established for Area #1.
- Approval of the Plats will be by the City.

Administration:

Any Person wishing to subdivide land within Area #1 shall be required to file a subdivision application with the City.

The City design standards are required for subdivision in Area #1 and each request will be forwarded to the County for review and comment prior to the public hearing of the City Planning and Zoning Commission.

AREA #2

Development type:

Development served either by a common water system, individual private wells, common sewage treatment facility, and/or individual septic system. Development may also be served by individual private wells and septic systems. Smaller lots may be permitted in the event that either a common water system or a common sewage treatment facility or enhanced on-site wastewater system is required.

Policy:

Primary Land Use: Agricultural.

Secondary Land Uses: Residential, Commercial, and Industrial.

Sewer: Septic System and/or an enhanced on-site wastewater system or Common Sewer Collection and Treatment Facilities that are consistent with South Dakota Department of Natural Resources (SDDENR) and County standards.

Water: Private Wells and/or Common Water Distribution and Treatment Facilities that are consistent with SDDENR and County standards.

Streets: County Subdivision and Design Standards are required.

Building Code Permits and Inspections: County.

Design Standards: County.

Subdivision Standards: County.

Plat Reviewed by: County and City.

Implementation:

- County subdivision and design standards shall be applied to regulate development.
- The County shall provide the City with the opportunity to comment on all requests for conformance with the policies established for Area #2.
- Approval of plats will be by the County subject to City approval.

Administration:

Any persons wishing to subdivide land within Area #2 shall be required to file a subdivision application with the County.

The County design standards are required for subdivision in Area #2 and each request will be forwarded to the City for review and comment prior to the public hearing before the County Planning Commission.

3. DEVELOPMENT IN SEVERAL AREAS: If a subdivision is located in the two (2) different development areas, Area #1 and Area #2, the policy and procedures of the most restrictive shall apply. For the purposes of this Agreement, Area #1 shall be considered the most restrictive and Area #2 shall be considered the least restrictive.

4. SUBDIVISION ACTION: For the purposes of this Agreement, property line adjustments and parcel splits shall be considered a subdivision action. The County or developer shall forward all major subdivisions, as classified by the County Subdivision Ordinance, to the City accordingly. Minor subdivisions, as classified by the County Subdivision Ordinance, shall be forwarded to the City Administrator.

5. ANNEXATION: In the event the City proceeds with annexation of property affected by this Agreement, the City will do so consistent with all applicable South Dakota statutory law.

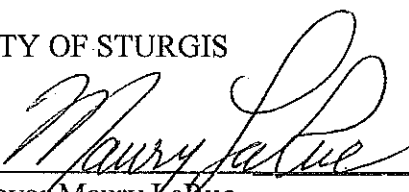
6. REVIEW AND COMMENT: The City and the County may initiate a review of the area development policies, implementation measures, and administrative policies each year during the term of this Agreement. It is anticipated that the areas set forth in this Agreement will be amended following annexation by the City of any property affected by this Agreement.

7. EFFECTIVE DATE AND MODIFICATIONS: This Agreement shall become effective upon acceptance and execution of the parties, and shall be in effect for a period of five (5) years. This Agreement may be modified and extended by the written mutual consent of the parties.


This Agreement shall be filed and recorded in the Register of Deeds office of Meade County, South Dakota.

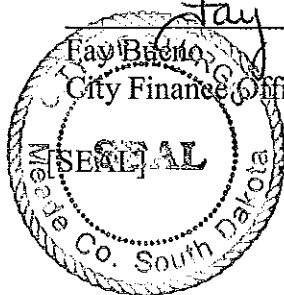
Dated this 6 day of April, 2009

CITY OF STURGIS


Mayor Maury LaRue

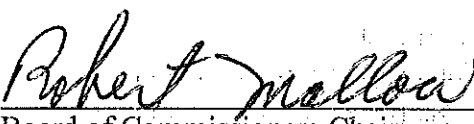
ATTEST:


Fay Bueno
City Finance Officer

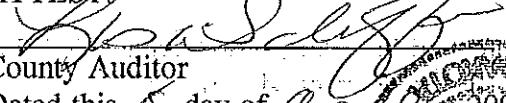


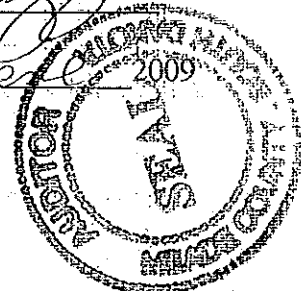
Dated this 8 day of APRIL, 2009

MEADE COUNTY, SOUTH DAKOTA


Board of Commissioners Chairman

ATTEST:


County Auditor
Dated this 8 day of April, 2009






STURGIS PLATTING JURISDICTION MAP EXHIBIT A

AREA #2

AREA #1

Legend

-  Corporate Limits
-  Area #1
-  Area #2 - 3 Mile

